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REMARKS

I. Summary of the Office Action and this Reply

Claims 22-44 are pending in the application. Applicants gratefully acknowledge the Examiner's recognition of allowable subject matter in claims 24, 25, 27-34 and 37-41.

The Examiner has rejected claims 22, 23, 26, 42 and 45 under 35 U.S.C. § 102(b), asserting anticipation by U.S. Patent No. 5,875,555 to Andrisin, III et al. ("Andrisin"). The Examiner has rejected claims 35, 36 and 46 under 35 U.S.C. § 103(a), as unpatentable over Andrisin in view of U.S. Patent No. 3,746,061 to Nakazaki ("Nakazaki").

In this Reply, claims 22, 23, 24, 26, 35 and 42 are amended; claim 47 is added. No new matter is added. Support for the claim amendments can be found, *inter alia*, in the drawings as originally filed.

II. Objections to the Specification

In view of applicants' last Reply, mailed October 29, 2003, requesting clarification of whether there are any objections to the specification, and the absence of any corresponding remarks in the Action dated March 2, 2004 or acknowledgement in box 9 of the Office Action Summary, applicants conclude that there are no objections to the specification.

III. Formalities

It is noted that a Request to Correct Inventorship was mailed June 20, 2003. Confirmation of the requested change is requested respectfully.

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Applicants submit that the present application is entitled to a filing date of May 24, 2001, which was the filing date of the provisional application that was converted under 37 C.F.R. § 1.53(c)(3) to the present non-provisional patent application.

IV. Discussion

U.S. Patent No. 5,875,555 to Andrisin

Andrisin discloses a crayon sharpener that includes a lower housing 12 and an upper housing 14. Col. 4, lines 27-30; Figure 2. The lower housing 12 includes spacer walls 36 having concave upper edges 37. Col. 4, lines 40-42; Figure 2. The upper housing 14 includes similar edges 37 that cooperate with the lower housing's edges 37 to encircle and entrap a working assembly. The working assembly includes subassemblies 20, 22 that include many individual components that are already positioned and joined together in a complicated fashion to provide an operable subassembly (See, Figures 7, 9, 10 and 17).

Before placing these subassemblies in the housing, they are first joined together by moving cartridge module 20 in an axial direction (to the left in Fig. 17 when Fig. 17 is viewed upright) until the cartridge module 20 seats in a circumferential flange (see Figure 2) of gear box module 22. The circumferential flange of the gear box module 22 can be seen in Figure 17 and is best shown in Figure 2. This circumferential flange prohibits coupling of the subassemblies in a sideways/lateral direction, and necessitates coupling of the subassemblies in an axial direction, as described above. The single working assembly is then placed into the lower housing 12 as a single unit. Placement in the lower housing 12 occurs only after all positioning of individual components relative to one another, and assembly of the operable working assembly, is complete, as shown in Figure 2.

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Claims 22, 23, 26, 45 and 47

As amended herein, claim 22 recites that the pencil sharpener includes first and second shells, each having support surfaces. The sharpener also includes a plurality of discrete components that are capable of being assembled to provide an operative sharpening assembly capable of sharpening a pencil. The support surfaces cooperate with each other to laterally position and fixedly retain the various components within the shells. Furthermore, at least one of the support surfaces positions and supports at least one of the discrete components in a predetermined operative spatial relationship relative to another of the discrete components that is separately positioned and supported by another of the support surfaces.

Accordingly, the support surfaces of the claimed sharpener support multiple individual components. In contrast, only a single component (the working assembly) is supported by any edges in Andrisin. The use of a single subassembly, and the necessity of pre-assembly the subassembly, complicates the overall assembly process.

Additionally, the support surfaces of the claimed sharpener also serve to separately position the multiple components to position/align them in a predetermined spatial relationship that provides the operability of the pencil sharpener. As stated in the specification, "the support surfaces of one of the shells . . . act as a template for assembling components of the pencil sharpener, and the support surfaces act as cradles to position and temporarily retain the components during assembly." Page 6, lines 6-9. Any individual parts within the working assembly in Andrisin are already assembled into an operable mechanism before assembly into the housing/sharpener. Accordingly, the housing and the edges in

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Andrisin do not serve to position individual components in a spatial relationship such as to render the individual components operable as an assembly.

New claim 47 recites that the support surfaces are configured to position and support the discrete components in mechanically interengaging positions that provide for operability of the pencil sharpening assembly.

Claims 23, 26 and 45 depend from claim 22 and are likewise patentable. Additionally, claim 26 recites that an electric motor is another separate component that is supported by the support surfaces, in contrast to the motor containing sub-assembly of Andrisin.

For at least these reasons, the claimed invention is neither taught nor suggested by Andrisin, and reconsideration and withdrawal of the rejection of claims 22, 23, 26 and 45, and allowance of new claim 47, are requested respectfully.

Claims 24, 25 and 27-34

The Examiner recognized allowable subject matter in claim 24. Claim 24 is amended herein to be rewritten in independent form, and is therefore allowable. Claims 25 and 27-34 depend from claim 24 and are likewise allowable.

Claims 35-42 and 46

Independent claim 35 is amended herein to include recitations similar to those of claim 22. In particular, amended claim 35 recites that at least one of the support surfaces is configured to position and support the sharpener's cutter assembly in a predetermined operative spatial relationship relative to the sharpener's gear module, the gear module being separately positioned and supported by another of the support surfaces. Accordingly, not only do the support surfaces support multiple

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individual components, but the support surfaces also serve to separately position the multiple components to position/align them in a predetermined spatial relationship that provides the operability of the pencil sharpener. This is neither taught nor suggested by Andrisin or Nakazaki, as discussed above.

Claims 36-41 and 46 depend from claim 35 and are likewise patentable. Independent claim 42 has been amended to include recitations similar to those of claim 35, and is likewise patentable.

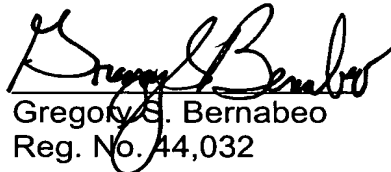
For at least these reasons, reconsideration and withdrawal of the rejections of claims 35-42 and 46 are requested respectfully.

CONCLUSION

In view of the foregoing remarks, Applicants believe claims 22-42, 45, 46 and 47 to be patentable and the application in condition for allowance. Applicants respectfully request issuance of a Notice of Allowance. If any issues remain, the undersigned requests a telephone interview prior to the issuance of an action.

Respectfully submitted,

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